

## **NORFOLK, VIRGINIA**

### **ACTION OF THE COUNCIL**

**TUESDAY, APRIL 14, 2015 – 7 P.M.**

Mayor Fraim called the meeting to order with the following members present: Ms. Graves, Ms. Johnson, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

Prayer offered by Councilwoman Angelia Williams Graves, followed by the Pledge of Allegiance.

President Fraim moved to excuse Mr. Protogyrou from today's meeting.

**Motion adopted.**

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

## **CERTIFICATION OF CLOSED MEETING**

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

## **CEREMONIAL MATTERS**

President Fraim read a proclamation proclaiming the month of **April, 2015 as Child Abuse Prevention Month**. Steve Hawks, Director of Human Services, Betty Frieden, Board President of Champions for Children, Al Steward, Child Protective Services Program Manager, Andrea Long, Vice President of Counseling, The UpCenter, Pam Long, Chief Planner and Jan Callaghan, Public Information Officer, accepted the proclamation. Ms. Frieden addressed council on the issue of child abuse and thanked them for the proclamation.

## **PUBLIC HEARINGS**

PH-1

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments authorizing the conveyance to **Norfolk Redevelopment and Housing Authority** of a certain parcel of property located at **S S Middlesex Street** for the total sum of \$15,000.00.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the conveyance to **Norfolk Redevelopment and Housing Authority** of a certain parcel of property located at **S S Middlesex Street** for the total sum of \$15,000.00 in accordance with the terms and conditions of the **Purchase and Sale Agreement**; and authorizing the release of the City's right of reverter as to the property," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 15, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

**PH-2**

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Nonexclusive Telecommunications Franchise Agreement** with **Metro Fiber Networks, Inc.**

Ellis James, 2021 Kenlake Place, expressed his concerns in regards to Cox Communications monopolizing the market.

Thereupon, an Ordinance entitled, “An Ordinance approving a **Nonexclusive Telecommunications Franchise Agreement** with **Metro Fiber Networks Inc.**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 15, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

**PH-3**

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Nonexclusive Telecommunications Franchise Agreement** with **Lumos Networks, Inc.**

Thereupon, an Ordinance entitled, “An Ordinance approving a **Nonexclusive Telecommunications Franchise Agreement** with **Lumos Networks Inc.**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 15, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

## **REGULAR AGENDA**

R-1

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as **‘The New Donut Dinette’** on property located at **1917 Colley Avenue,**” was introduced in writing and read by its title.

Mike Basham, the applicant, 1917 Colley Avenue, was present to answer questions.

Joe Cook, 1147 Surry Crescent, stated his opposition to liquor sales at this establishment and expressed concerns regarding code violations issued on Ronnie Boone properties, The Main hotel and conference center and trucks on Hampton Boulevard.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Smigiel, Whibley, Winn and Frain.

No: Riddick.

R-1A

An Ordinance entitled, “An Ordinance granting a **Pedestrian Commercial Overlay District Development Certificate** to permit the construction of an outdoor dining canopy and related structure on property located at **1917 Colley Avenue,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Smigiel, Whibley, Winn and Frain.

No: Riddick.

R-2

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an **Automobile and Truck Repair** facility presently known as ‘**Granby Shell**’ on property located at **4225 Granby Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2A

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a ‘**Gas Station**’ presently known as ‘**Granby Shell**’ on property located at **4225 Granby Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit a **Convenience Store, 24-hours** (with fuel sales) known as ‘**7-Eleven**’ on property located at **2475 East Little Creek Road**,” was introduced in writing and read by its title.

Steve Romaine, the attorney, 999 Waterside Drive, LaRae Tucker, 1211 South White Chapel, South Lake Texas, 76092 and Steve Blevins, 7700 Independence Circle Virginia Beach, 23455, were present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3A

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘**7-Eleven**’ on property located at **2475 East Little Creek Road**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Golf Management, Inc.** authorizing the operation of an entertainment establishment named ‘**Lambert’s Point Golf Course**’ on property located at **4301 Powhatan Avenue**,” was introduced in writing and read by its title.

Mike Fentress, 4840 Princess Anne Road, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as ‘**Small’s Restaurant & Catering Company**’ on property located at **2700 Hampton Boulevard**,” was introduced in writing and read by its title.

John Small, the applicant, 2700 Hampton Boulevard, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as ‘**Croaker’s Spot**’ on property located at **600 35<sup>th</sup> Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an **Automobile and Truck Repair** facility on property located at **860 Avenue J**,” was introduced in writing and read by its title.

Vince Powell, 860 Avenue J, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an **Automobile and Truck Repair** facility known as ‘**Bay City Classics**’ on property located as **3335 Croft Street**,” was introduced in writing and read by its title.

Robert Darden, 5519 Iowa Avenue, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a **Gas Station** (sales only) known as ‘**BJ’s Wholesale**’ on property located at **5832 East Virginia Beach Boulevard**,” was introduced in writing and read by its title.

Randy Royall, the attorney, 4500 Main Street, Virginia Beach, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Christiane Ellis Valone** to encroach into the right of way of **Runnymede Road**, with an underground sprinkler system,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **PBS Ghent LLC** permission to encroach into the right of way of **Omohundro Avenue** at **123 West 21<sup>st</sup> Street** approximately 480 square feet for the purpose of outdoor dining and approving the terms and conditions of the **Encroachment Agreement**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.



R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting up to \$708,010 from **Hampton Roads Transit** as additional grant funding received from the **Commonwealth Transportation Board and the Virginia Department of Rail and Public Transportation** for the **City’s Downtown Transfer Center** and appropriating and authorizing the expenditure of the additional funds for the design and construction of the **Downtown Transfer Center,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-13

Letter from the City Attorney and an Ordinance entitled, “An Ordinance to amend and reordain **Section 38-106** and repeal **Section 38-107** of the **Norfolk City Code, 1979, SO AS TO** eliminate sectarian provisions concerning **yard** or **garage sales,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-14

Letter from the City Attorney advising of appointing Alex H. Pincus to the position of Assistant City Attorney I effective July 1, 2015,” was introduced in writing and read by its title.

**ACTION:** Appointment confirmed.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

An Ordinance entitled, “An Ordinance to schedule a **City Council meeting** on **Tuesday, April 21, 2015 at 4:00p.m.**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

### **NEW BUSINESS**

1. Frederick Rochte, 4557 East Virginia Beach Boulevard, spoke to Council in detail about the need for dredging Broadcreek waterways.
2. Yasmin Cooper, 212 West 29<sup>th</sup> Street, spoke to Council about the 4 school board members who are up for reappointment, stating that 88% of the citizens do not have faith in them and asked that they not be reappointed.
3. Thomas Calhoun, 3620 Tidewater Drive, spoke to Council about the current school board members, stating that \$1.6 million has been returned twice and that there are problems that exist amongst the school board members. He also spoke about the upcoming school board appointments and said that he will keep a watchful eye.
4. Donald Hornstein, 608 Colonial Avenue, #5, spoke about various issues related to the condition of 161 Granby Street and its delayed renovation.
5. Danny Lee Ginn, 3845 Dare Circle, spoke to Council about a recent newspaper article on Councilman Riddick.